

## REMARKS

This submission is in response to the Official Action dated October 10, 2002. Claims 28-54 have been canceled in favor of new claims 55-96. Upon entry of this amendment claims 55-96 will be pending.

With the exception of new claims 90-96, each of the new claims recites features, characteristics and language of the allowed claims of the parent application, U.S. Serial No. 08/994,689. Each of these claims is fully supported by the specification and by the originally filed claims as set forth in the related (parent) application, which is incorporated herein by reference. The recitations the Examiner inquired for support have been eliminated (except for the phrase "wherein any less extensive development...an increased length of time...", which was recited in cancelled claims 52-54 and is currently recited in new claims 90-96; these claims are discussed below), muting the grounds for the October 10, 2002 Office Action. No new matter has been added by way of this amendment.

Specific support for the phrase "chondrocyte tissue-specific promoter" as recited in new claims 55, 63, 64, 65, 75, 80 and 81 can be found on page 37 line 1, page 6 lines 4-5, and page 13 lines 3-4. Specific support for "non-human mammal" as recited in claims 55, 67, 75, 85, 86, 87, and 90, "rat" as recited in claims 64, 65, 66, and 72 and "mouse or rat" as recited in claim 92 can be found on page 5 lines 4-14, page 11 lines 4-5, page 22 line 16- page 23 line

, 12, and original claim 8 of the parent application.

New claims 90-96 correspond to cancelled claims 52-54 and support for these claims can be found on page 20 line 13 - page 21 line 2 of the specification and in original claims 25-27 of the parent application. The Examiner alleged that the prior Office Action response was not fully responsive because support for the phrase "wherein any less extensive development....any increased length of time..." in claims 52-54 was not identified in Applicants' response (claims 52-54 are cancelled in the present amendment; new claims 90-96 correspond to these claims). Support for this phrase, as recited in new claims 90-96, can be found throughout the specification and, in particular, on page 7 line 14 - page 8 line 2, page 20 line 13 - page 21 line 18, page 45 lines 1-3, and originally filed claims 25-27.

#### **RESPONSE TO SEQUENCE LISTING REQUEST**

Transfer of the sequence listing submitted with the U.S. 08/994,689 parent file to the above-identified application was requested on November 20, 2000 concurrently with the filing of this application. As a courtesy, we have enclosed herewith a paper copy of the Sequence Listing and a computer readable form (diskette) of the Sequence Listing.

Pursuant to the requirements of 37 C.F.R. §1.821 through §1.825 for

Sequence Listings, a computer readable form (diskette) and a paper copy containing the Sequence Listing as filed in the parent application are enclosed.

Reconsideration of the above-identified application is respectfully requested.

**STATEMENT PURSUANT TO 37 C.F.R. §1.821**

Pursuant to the requirements of 37 C.F.R. §1.821 through §1.825 for Sequence Listings, applicants herein state that the contents of the attached paper entitled "SEQUENCE LISTING" and of the accompanying identically labeled diskette, specifically the ASCII-encoded file therein labeled "Sequence Listing (ASCII copy).txt", are identical and that the sequence submission contains no new matter.

## CONCLUSION

Consideration of the enclosed diskette and paper are respectfully requested. In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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*Paul F. Fehlner*

Date: January 10, 2003

*Heather Morehouse Ettinger*

Paul F. Fehlner, Ph.D.

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